

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ELLEN JANE KUTTEN, individually,
and on behalf of her daughters, and
MARY ANN ARNOLD and ELSIE
MAHLER SCHARFF, on behalf of
themselves, and all others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A. and
BANK OF AMERICA CORPORATION,


Defendants.

Case No. 4:04-CV-244 (PAM)

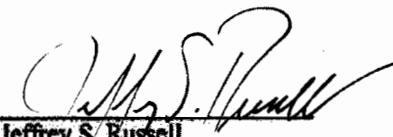
Case No. 4:06-CV-0937 (PAM)

STIPULATION FOR DISMISSAL WITH PREJUDICE

COME NOW the parties, pursuant to 41(a)(1) of the Federal Rules of Civil Procedure and stipulate to the dismissal, with prejudice, of all claims of Ellen J. Kuten, individually and on behalf of her daughters, and Mary Ann Arnold, and Elsie Mahler Scharff, including any claims of the trusts referenced in the complaints, against Defendants.


Steven M. Hamburg, Esq.
Summers, Compton, Wells & Hamburg
8909 Ladue Road
St. Louis, MO 63124
Telephone: 314-991-4999
Facsimile: 314-991-2413

Counsel for Plaintiffs


Jeffrey S. Russell
Bryan Cave LLP
One Metropolitan Square
211 N. Broadway, Suite 3600
St. Louis, MO 63102
Telephone: 314.259.2000
Facsimile: 314.259.2020

Gregory B. Jordan
Mary J. Hackett
Reed Smith LLP
435 Sixth Avenue
Pittsburgh, PA 15219
Phone/Facsimile: 412.288.3131/3063

Counsel for Defendants

Execution Version

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 14th day of January, 2008 upon the following counsel of record by the Court's electronic filing system:

Steven M. Hamburg, Esq.
Holly M. McIntyre, Esq.
Summers, Compton, Wells & Hamburg, P.C.
8909 Ladue Road
St. Louis, MO 63124

Richard D. Greenfield, Esq.
Greenfield & Goodman LLC
780 Third Avenue, 48th Floor
New York, NY 10017

Amy Boomhouwer, Esq.
Gancedo & Nieves LLP
144 W. Colorado Boulevard
Pasadena, CA 91105

Richard A. Lockridge
Gregg M. Fishbein
Lockridge, Grindal Nauen PLLP
Suite 2200
100 Washington Avenue South
Minneapolis, MN 55401

/s/ Jeffrey S. Russell
Counsel for Defendants